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Humanitarian affairs and general segments

Provisional summary record of the 28th meeting
Held at Headquarters, New York, on Wednesday, 17 July 2002, at 3 p.m.

President: Mr. Buallay (Vice-President) ..... (Bahrain)
later: Mr. Šimonović (President) ..... (Croatia)

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The meeting was called to order at 3.10 p.m.

Special economic, humanitarian and disaster relief assistance (*continued*) (A/57/77-E/2002/63 and A/57/97-E/2002/76)

1. **Ms. Loemban Tobing-Klein** (Suriname), noting that the report of the Secretary-General mentioned efforts to strengthen regional response and local capacity-building for natural disasters in the Latin American and Caribbean region, said that the problems had been identified and that it was essential for the necessary resources to be made available to meet the needs of those who were victims.

2. The promotion of human rights was a prerequisite for sustainable development. Yet, unless the goal of 0.7 per cent of gross national product being allocated to official development assistance was attained, it would not be possible to ensure the basic rights of people worldwide. Nor would it be possible to implement the Millennium development goals or the Monterrey Consensus.

3. **Ms. Barnes** (Observer for the Sovereign Military Order of Malta) said that the Order served the needy and sick in more than 110 countries. Its neutrality facilitated its work in situations that were difficult for other entities. Its Emergency Corps provided relief and executed long-term recovery projects in the context of natural disasters or armed conflicts. When possible, the Order carried out reconstruction and rehabilitation in following the acute phase of relief work. In the Balkans, its activities were extensive and were run in close cooperation with the Office of the United Nations High Commissioner for Refugees. It was conducting similar activities in the Great Lakes region of Africa, Mozambique, Angola, Honduras, El Salvador and India.

4. Through its Comité International de l'Ordre de Malte (CIOMAL), founded in 1958, the Order was active in combating leprosy as well as any disease and handicap which led to social isolation, including HIV/AIDS. It operated medical centres and dispensaries. Many of the latter institutions were in Lebanon and El Salvador, founded during armed conflict, and had become an important part of the respective national health systems. In addition, the Order supported and at times managed many hospitals and medical centres in developing countries. It had often been responsible for medical care during United Nations peace missions, including in the Balkans and Central America. It supported the Holy Family Hospital in Bethlehem, which provided high-quality maternity care without discrimination and boasted the only neo-natal intensive care unit in Bethlehem. It looked forward to further coordination with the United Nations system and other interested parties in providing humanitarian aid to those in need.

5. **Mr. Harcharik** (Deputy Director-General of the Food and Agriculture Organization of the United Nations (FAO)) said that, in addition to providing technical assistance for agriculture, fisheries, forestry and rural development, FAO was a major partner in humanitarian assistance efforts, with active programmes in early warning, preparedness planning, emergency relief, recovery, rehabilitation and development. It had provided input for the report of the Secretary-General (E/2002/63), and he wished to emphasize three points contained in the report.

6. On the subject of vulnerability, he said that the effects of the increasing number of natural disasters and conflicts in recent years had been exacerbated by poverty and poor planning. Rural populations in the developing countries who depended on agriculture for their livelihoods were the worst affected by natural disasters and the least equipped to cope with them. Additional assistance must therefore be channelled to them through the agricultural sector.

7. Turning to the transition from relief to development, he welcomed the Secretary-General's call for early planning and programming of development assistance. Emergency relief should be delivered in a way mindful of the need for prompt reconstruction and development. FAO interventions sought to reduce dependency on food aid as soon as possible in order to prepare for development and restore the dignity of rural populations. Refugees and displaced farmers should be helped to return to their farms at the earliest opportunity or at least allocated plots of land in their new areas of residence. Making them self-sufficient reduced the burden on the host population and the risk of new conflict. Demobilized combatants likewise required training and land to become productive members of society and resist the temptation to turn to banditry.

8. In the area of resources, he expressed concern at the decline in support for the consolidated appeals process and emphasized the importance of improved

coordination among donors. FAO was looking for ways of ensuring seamless follow-through from emergency to post-emergency activities in its collaboration with other United Nations system agencies. To that end, it was seeking to strengthen such collaboration, especially at the field level and in post-emergency situations, with a view to making best use of the comparative advantages of each participating organization. Because prevention was less costly and difficult than reparation, it would be wise to provide increased funding for early warning and preparedness. Unfortunately, during the 1990s concessional aid for agriculture, which would benefit the most vulnerable, had declined by 50 per cent. In the interests of the most vulnerable groups, that worrisome trend needed to be reversed.

9. **Mr. Oshima** (Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator) said that he had been impressed by the Council's constructive attitude in favour of strengthening the coordination of emergency humanitarian assistance. The Office for the Coordination of Humanitarian Affairs (OCHA) would continue to work with all stakeholders to overcome the daunting challenges posed by natural disasters and complex humanitarian emergencies. Humanitarian assistance must be delivered to affected populations rapidly and effectively, within the framework of international human rights and humanitarian law, including in situations of armed conflict. Humanitarian personnel must be permitted sustained access to victims, and their personal safety must be ensured. In conflict situations, negotiations must be undertaken with all parties, including non-State actors, to that end. The Inter-Agency Standing Committee (IASC) would soon finalize and circulate guidelines on negotiations with armed groups for the provision of humanitarian assistance.

10. Protection of civilian populations was above all the responsibility of Member States, although all stakeholders should provide support. The proposed culture of protection was an important step in that regard, and work should continue to resolve practical problems at the international, regional, national and local levels. Core elements of a culture of protection included the right of civilian populations to assistance and protection and respect for international human rights and humanitarian and refugee law. In that context, he noted that regional workshops were being organized to share expertise and agree on practical measures to protect civilian populations. The occupied Palestinian territories provided an example of a situation where all parties must be encouraged to cooperate to protect civilian populations and meet their basic needs.

11. Humanitarian workers had a responsibility to observe the highest possible standards of conduct when dealing with vulnerable populations, and he deplored the shocking allegations of exploitation and abuse which had been made in West Africa. The Inter-Agency Standing Committee would address those problems and would develop in cooperation with invitees a plan of action to eliminate abuse and exploitation during humanitarian emergencies and to ensure accountability in that regard, in particular on the part of managers. He recognized that there were still some unresolved questions concerning the Guiding Principles on Internal Displacement and expressed support for the suggestion that the Special Representative of the Secretary-General on Internally Displaced Persons should undertake further consultations on the subject. He welcomed the Council's endorsement of the newly created Unit on Internal Displacement.

12. Turning to the area of disaster preparedness, he said that the international community must assist vulnerable countries to improve their capacity, paying special attention to factors which increased vulnerability. A comprehensive disaster-risk-management approach must be implemented and integrated into development planning in a collaborative effort on the part of all agencies involved. In Asia, for example, Governments, agencies and non-governmental organizations had worked to pool their expertise. The World Summit on Social Development would also provide an opportunity to send a clear message on disaster preparedness and mitigation, and he hoped that that issue would be dealt with in its programme of action.

13. The scourge of HIV/AIDS continued to afflict millions, in particular in Africa, not only causing suffering but also reducing the ability of communities to cope with the crisis and limiting development overall. The spread of HIV/AIDS, which was accelerated during complex humanitarian emergencies, should be addressed through humanitarian aid programmes in a responsible manner with a view to the

adoption of long-term approaches by UNAIDS and other humanitarian partners.

14. Ensuring a successful transition from relief to development required a collaborative approach on the part of all stakeholders, in particular in areas where responsibilities overlapped. The local population must also be involved in identifying risks and priorities and implementing programmes, and the role of women must be strengthened. Since the relationship between humanitarian partners could impair or enhance relief operations, the best possible use must be made of resources in order to maximize their effectiveness. The consolidated appeals process could be expanded to include strategic planning and resource mobilization, an issue he would explore with development partners.

15. Concerns had been voiced regarding the lack of resources to meet humanitarian needs, poor prioritization, and donor conditionalities, while the need for broader partnerships had been emphasized. In order to remedy existing shortcomings, he would make consultations on the creation of a global humanitarian financing tracking system a priority but stressed that Member States must show a willingness to fund humanitarian action. In that context, he called for increased support for the consolidated appeals process.

16. The Council's humanitarian affairs segment would continue to play an important role in ongoing efforts to improve humanitarian assistance. He looked forward to the adoption by the Council of a draft resolution which would provide guidance for the coming year and reaffirmed his commitment to work closely with the Council to build on progress made.

17. **The President**, summarizing the debate which had taken place during the humanitarian affairs segment, said that the annual discussion provided continuity in addressing situations of natural disaster or emergency and highlighted the urgency of responding to them effectively and in a coordinated way. Some of the main issues touched on had been access to vulnerable populations, preventive measures in conflict situations, internal displacement, coordination, information, the establishment of a financial tracking system for humanitarian assistance, and the creation of a culture of protection.

18. *Mr. Šimonović (Croatia), President, took the Chair.*

Social and human rights questions

(g) Human rights (E/2002/68 and Add.1)

Statement by the United Nations High Commissioner for Human Rights

19. **Mrs. Robinson** (United Nations High Commissioner for Human Rights), before introducing her final report to the Council (E/2002/68 and Add. 1), said that the fifty-eighth session of the Commission of Human Rights, which had taken place earlier in the year, had been a particularly difficult one which called for deep reflection. A number of positive initiatives had emerged, including a new mandate on the right to health, two new working groups to follow up on the World Conference against Racism, and a resolution to recommend an optional protocol to the Convention against Torture on preventive visits. Work would soon begin on consideration of an optional protocol to create an individual petitions mechanism on economic, social and cultural rights, a treaty on disappearances and an instrument to protect the rights of persons with disabilities.

20. Some developments were less welcome, however. The Commission had been forced to operate under extraordinary organizational constraints, with no evening or night meetings. One benefit which had emerged had been the strengthening of the role and authority of its extended Bureau, which was in the long-term interest of the Commission. However, the burden of cuts in speaking time had been felt most by non-governmental organizations and special rapporteurs and experts. It was precisely those inputs that set the Commission apart from other intergovernmental forums. The extended Bureau and her Office were considering how to enhance the working methods of the Commission so that the burden of any reduction in time could be shared equitably between States and civil society representatives.

21. As to be expected following the tragedy of 11 September, the Commission on Human Rights had spent considerable time discussing terrorism and human rights but had been unable to reach a consensus on how to deal with the issue. Another focus of attention had been the terrible escalation of violence in the occupied Palestinian territories and Israel. She had been requested to head a visiting mission to the area, but the necessary agreement of the Israeli authorities had not been forthcoming. Consensus had tended to

diminish as the session wore on and the number of statements and draft resolutions on the subject increased. It would be important for the Commission to give careful thought to ways of maximizing the value and effectiveness of its future deliberations on that grave situation.

22. A particularly troubling aspect of the session had been the unprecedented questioning of the Commission's human rights protection role, exacerbated by a marked increase in bloc voting. Regional solidarity was a poor response to evidence of serious human rights violations. Those who were critical of existing methods of addressing country situations had an obligation to propose credible alternatives. Where gross violations were identified, the Commission must have the capacity and courage to speak out on behalf of victims; it was the only body in the United Nations system which could speak in that way. In that regard, she had been greatly encouraged by the recent launch of the African Union, and its emphasis on the administration of justice, human rights, democracy and good governance. She also welcomed the support the Council was offering to African countries through the proposal for the ad hoc advisory group.

23. The influence of the Commission on Human Rights should not be limited to its annual session but should continually reach all United Nations system activities and the wider international stage. For that to occur, the Commission must enjoy the trust and respect of the international community, which required it to operate with the highest integrity. In other words, its credibility and effectiveness was in the hands of its elected members. She believed that membership brought with it obligations as well as rights, responsibilities as well as privileges. If members came to share that belief, then the Commission would truly be able to realize the great expectations of the international human rights community.

24. Turning to her report to the Council (E/2002/68 and Add.1), she said that it highlighted the rights of persons living with HIV/AIDS or with disabilities, and of indigenous people and dealt also with trafficking in persons.

25. Where the rights of people living with HIV/AIDS were concerned, the past year had been marked by an increased appreciation of the role of human rights and the realization of the right to health. Fuller integration of human rights obligations into national responses to HIV/AIDS was needed, and she welcomed the decision to appoint a Special Rapporteur on the right to health. Disability reform could be strengthened and accelerated if greater and more targeted use was made of human rights norms; for instance, a human rights approach would ensure that the rights of persons with disabilities were not forgotten when the implementation of the Millennium development goals was measured.

26. The commitments made in the Millennium development goals were of particular relevance to indigenous peoples, and ensuring their full participation in policy-making was one of the strategies needed to address the disparities in their well-being. The launch of the Permanent Forum on Indigenous Issues had been an important step in ensuring their greater participation within the United Nations. The absence of financial and human resources to assist with the Forum's preparatory work was regrettable, however, and she urged the Council to allocate resources in the regular budget for that purpose. The Permanent Forum offered an exceptional opportunity to address the very real disadvantages faced by indigenous peoples.

27. The Millennium human rights goals included measures to ensure protection for the rights of migrants, and trafficking in human persons was a particularly abusive form of migration. One of the most significant outputs of her Office's trafficking programme was the Recommended Principles on Human Rights and Human Trafficking (E/2002/68/Add.1), which had been developed in response to the clear need for practical, rights-based policy guidance on the trafficking issue. Their purpose was to facilitate the integration of a human rights perspective into national, regional and international anti-trafficking laws, policies and interventions.

28. During her service as High Commissioner, she had seen a transformation in the approach to human rights, in the mainstreaming throughout the United Nations system of a rights-based approach to its work, in the strong links between human rights and human development and in the way that civil societies in every region were learning to use the commitments of Governments in ratifying human rights instruments as a means of securing transparent and participatory decision-making on economic and social issues. The major focus over the coming years must be on

developing and strengthening national protection systems, because it was at a national and local level that human rights were either protected or violated.

29. **Ms. Loemban Tobing-Klein** (Suriname) paid tribute to the High Commissioner for her dedication, for promoting the concept of human rights education as key to development and for her inclusion of the human rights perspective in every aspect of development.

30. **Mr. Reyes Rodriguez** (Cuba) said that, although his delegation had not always agreed with the High Commissioner, it had always respected her commitment, especially to the realization of economic, social and cultural rights. He paid tribute to her personal efforts regarding the Durban Conference on racism and the situation of the Palestinian people.

The meeting rose at 4.35 p.m.